

South Australia

## **Passenger Transport (Regular Passenger Services; Conduct of Passengers) Regulations 1994**

under the *Passenger Transport Act 1994*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Passenger Transport (Regular Passenger Services; Conduct of Passengers) Regulations 1994*.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*the Act* means the *Passenger Transport Act 1994*;

*authorised person* means—

- (a) an employee of an operator; or
- (b) the driver of a passenger vehicle (whether or not an employee of the operator); or
- (c) an authorised officer under section 53 of the Act; or
- (d) a member of the police force; or
- (e) a person who is authorised by the Minister to exercise the powers of an authorised person under these regulations;

*busway* means that part of a public transport system constructed or set apart for the exclusive passage of buses and authorised vehicles;

*disability* in relation to a person has the same meaning as in the *Disability Discrimination Act 1992* of the Commonwealth;

*operator* means—

- (a) TransAdelaide; or
- (b) a person who conducts a regular passenger service within, or partly within, Metropolitan Adelaide under the Act;

*passenger station* means a building, structure or place at which passengers board, or alight from, passenger vehicles;

*passenger vehicle* means a public passenger vehicle used by an operator;

*prescribed premises* means land or premises used or provided by the Crown or the Minister, or by an operator, for a purpose associated with a passenger transport service, and includes a passenger station;

*student identification card* means a non-transferable card issued to a student and approved by the Minister, entitling the holder to travel on passenger vehicles at concessional fares fixed by the Minister;

*ticket* means a ticket issued or approved by the Minister, entitling the holder to travel on a passenger vehicle in accordance with information encoded or printed on the ticket;

*ticket validating equipment* or *ticket validator* means equipment designed to encode or print information on tickets and to scan information previously encoded on tickets;

*travel concession card* means a non-transferable concession card issued or accepted by the Minister, entitling the holder to travel on passenger vehicles at concessional fares fixed by the Minister;

*to validate* means to insert a ticket in a ticket validator so that it may be encoded, printed or scanned; and *validated* has a corresponding meaning.

## Part 2—Conduct of passengers and others

### 4—Payment of fares and charges

- (1) A person must not travel or attempt to travel on a passenger vehicle without paying the appropriate fare or charge.  
Maximum penalty: \$1 250.  
Expiation fee: \$160.
- (2) In proceedings for an offence against subregulation (1), it is a defence to prove that the defendant did not have a reasonable opportunity to pay the appropriate fare or charge.
- (3) A person who boards a passenger vehicle without a ticket must immediately purchase a ticket.  
Maximum penalty: \$1 250.  
Expiation fee: \$160.
- (3a) In proceedings for an offence against subregulation (3), it is a defence to prove that the defendant was unable to comply with that subregulation because of a disability.
- (4) A person must not—
  - (a) fail to leave a passenger vehicle on arriving at the point to which the person has paid the fare or charge to which a ticket applies; or
  - (b) use a ticket, student identification card, travel concession card or pass which the person is not entitled to use (or not entitled to use in that case), or which is no longer valid.Maximum penalty: \$1 250.  
Expiation fee: \$160.
- (5) In proceedings for an offence against subregulation (3) or (4), it is a defence to prove that the act or omission constituting the offence was attributable to an honest and reasonable mistake on the defendant's part.

- (6) This regulation does not apply to a person who is authorised by the Minister, the operator or an authorised person to travel without a ticket.

### **5—Validation of tickets**

- (1) A person who holds a ticket must, if ticket validation equipment is installed on the passenger vehicle, validate his or her ticket each time that he or she boards a passenger vehicle.  
Maximum penalty: \$1 250.  
Expiation fee: \$160.
- (2) In proceedings for an offence against subregulation (1), it is a defence to prove—
- (a) that the defendant did not have a reasonable opportunity to validate the ticket; or
  - (b) that the failure to validate the ticket was attributable to an honest and reasonable mistake on the defendant's part; or
  - (c) that the defendant was unable to comply with that subregulation because of a disability.
- (3) A person must not use a ticket that has been validated by another person until the period for which it was last validated has expired.  
Maximum penalty: \$1 250.  
Expiation fee: \$160.
- (4) This regulation does not apply to a person who is authorised by the Minister, the operator or an authorised person to travel without a ticket.

### **6—Inspection or surrender of tickets**

- (1) A person—
- (a) who has boarded a passenger vehicle; or
  - (b) who is at a passenger station and apparently intends to board a passenger vehicle,
- must immediately allow an authorised person access to his or her ticket, student identification card, travel concession card or pass for inspection or validation, when requested to do so by the authorised person.  
Maximum penalty: \$1 250.  
Expiation fee: \$160.
- (2) The holder of a ticket must, as directed by a sign displayed by an operator or at the request of an authorised person, surrender the ticket at the end of the journey or period for which the ticket was issued.  
Maximum penalty: \$1 250.  
Expiation fee: \$160.
- (3) In proceedings for an offence against subregulation (2), it is a defence to prove that the defendant did not comply with the subregulation because of a disability.

**7—Possession of concession cards**

- (1) A student must not travel on a passenger vehicle using a concessional ticket unless he or she is personally in possession of a valid student identification card.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (2) Any other person must not travel on a passenger vehicle using a concessional ticket unless he or she is personally in possession of a valid travel concession card.

Maximum penalty: \$1 250.

Expiation fee: \$160.

**8—Special provision for declared areas**

- (1) In this regulation—

*declared area* means—

- (a) the paid concourse or platform area of the Adelaide Railway Station; or
- (b) that part of the concourse, platform or other public area of a passenger station where an operator has, under an arrangement with the Minister, established an area for the purposes of this regulation; or
- (c) an area determined by the Minister, by notice in the Gazette, to be a declared area for the purposes of this regulation.

- (1a) A declared area may be established—

- (a) as a special area where a person must not enter or remain without a ticket or pass (a *special declared area*); or
- (b) as a general declared area for the purposes of this regulation.

- (2) A person must not enter or remain in a declared area unless—

- (a) the person holds a valid ticket or pass; or
- (b) in the case of a general declared area—
  - (i) the person intends to purchase a valid ticket from a facility located in the declared area; or
  - (ii) if it is not possible to purchase a valid ticket in the declared area— the person is intending to board a passenger vehicle stopping at the declared area.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (2a) If—

- (a) a person enters a declared area (other than a special declared area) without a valid ticket or pass; and
- (b) it is possible to purchase a valid ticket from a facility located in the declared area,

the person must immediately purchase a valid ticket.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (2b) If an authorised person has reason to believe that a person who is present in a declared area does not intend to board a passenger vehicle stopping at the declared area within a reasonable time, the authorised person may request the person to leave the declared area.
- (2c) A person who, without reasonable excuse, fails to comply immediately with a request under subregulation (2b) is guilty of an offence.
- Maximum penalty: \$1 250.
- Expiation fee: \$160.
- (3) Subregulations (2) and (2a) do not apply to a person who is authorised by the Minister, the operator or an authorised person to be in a declared area without a ticket or pass.
- (4) A person who is in a declared area must immediately allow an authorised person access to his or her ticket, student identification card, travel concession card or pass, or access to evidence of an entitlement to travel free of charge, for inspection, when requested to do so by the authorised person.
- Maximum penalty: \$1 250.
- Expiation fee: \$160.
- (5) Subregulation (4) does not apply to a person in a general declared area where it is not possible to purchase a valid ticket.
- (6) An operator must, by notice in the Gazette and in such other manner as the Minister may determine, give notice of the establishment of a declared area by the operator under this regulation.

## **9—Invalid tickets etc**

- (1) If an authorised person suspects on reasonable grounds—
- (a) that a person has presented an invalid ticket, student identification card or travel concession card for inspection; or
  - (b) that a person is using a student identification card or travel concession card that has not been issued for his or her use,

the authorised person may require that person to surrender that ticket or card immediately.

- (2) The authorised person may retain possession of the ticket or card but if—
- (a) proceedings are not instituted against the relevant person for an offence under the Act (or these regulations) within three months; or
  - (b) proceedings are instituted within that period but the relevant person is not subsequently found guilty of an offence,

the person is entitled to the return of the ticket or card or, if it has expired, to be issued a substitute ticket or card.

- (3) A person who fails to comply with a requirement under subregulation (1) is guilty of an offence.

Maximum penalty: \$1 250.

Expiation fee: \$160.

## **10—Nuisances and annoyances**

- (1) A person must not, while in a passenger vehicle or at prescribed premises, commit a nuisance or act in a way that is likely to interfere with the comfort of, or disturb or annoy, another person.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (2) A person must not, without the permission of an authorised person, take into a passenger vehicle or onto prescribed premises an article that is likely to cause obstruction or annoyance.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (3) A person must not, without the permission of an authorised person, play a musical instrument, radio, tape player or other instrument or device capable of emitting sound while in a passenger vehicle or at prescribed premises (and if a person uses earphones or headphones fitted to a device, the person must ensure that he or she does not allow any sound from the device to disturb or annoy another person).

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (4) A person must not, while in a passenger vehicle or at prescribed premises—

(a) conduct himself or herself in an offensive manner; or

(b) use offensive language.

Maximum penalty: \$1 250.

Expiation fee: \$160.

## **11—Prohibition of smoking**

A person must not smoke in a passenger vehicle.

Maximum penalty: \$1 250.

Expiation fee: \$160.

## **12—Consumption of alcohol**

A person must not consume alcohol in a passenger vehicle or at prescribed premises except in areas specifically set apart for that purpose by the operator, or with the express permission of the operator.

Maximum penalty: \$1 250.

Expiation fee: \$160.

### **13—Consumption of food etc**

A person must not consume food or drink in a passenger vehicle after being requested not to do so by an authorised person.

Maximum penalty: \$1 250.

Expiation fee: \$160.

### **14—Use of seats**

A person must not stand on, or place a foot on or against, a seat in a passenger vehicle or at prescribed premises.

Maximum penalty: \$750.

Expiation fee: \$105.

### **15—Unoccupied seats**

A person must not prevent or deter another person from occupying an unoccupied seat in a passenger vehicle or at prescribed premises.

Maximum penalty: \$750.

Expiation fee: \$105.

### **16—Occupying non-carriage areas in vehicles**

- (1) A person must not occupy a stairway, step, entrance platform or exit platform, or part of a passenger vehicle designated by an operator as a prohibited area—
  - (a) while the vehicle is in motion; or
  - (b) contrary to stipulations contained in a notice affixed on or near the relevant part of the vehicle.

Maximum penalty: \$750.

Expiation fee: \$105.

- (2) In proceedings for an offence against subregulation (1)(b), it is a defence to prove that the defendant did not see the relevant notice because of a disability.

### **17—Obstruction of passengers etc**

A person must not obstruct the entrance or exit of passengers from a passenger vehicle, or refuse to move, when requested to do so by an authorised person.

Maximum penalty: \$750.

Expiation fee: \$105.

### **18—Objects etc protruding from vehicles**

A person must not allow a part of his or her body, or an object, to protrude from a window, door or other opening of a passenger vehicle.

Maximum penalty: \$750.

Expiation fee: \$105.



## **19—Interference with equipment etc**

A person must not, without lawful authority—

- (a) interfere with the controls of, or equipment installed in, or attached to, a passenger vehicle; or
- (b) interfere with any ticket validating equipment.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## **20—Throwing of objects from vehicles etc**

- (1) A person must not throw or catapult an object while in a passenger vehicle or at prescribed premises.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (2) A person must not throw or catapult an object from a passenger vehicle, or at a passenger vehicle.

Maximum penalty: \$1 250.

Expiation fee: \$160.

## **21—Boarding or alighting from vehicles in motion**

A person must not board or alight from, or attempt to board or alight from, a passenger vehicle while it is in motion.

Maximum penalty: \$750.

Expiation fee: \$105.

## **22—Unlawful boarding of vehicles**

A person must not, except in an emergency or with lawful authority—

- (a) board or alight from a passenger vehicle through a window; or
- (ab) board or alight from a train through a door that is not immediately facing a platform; or
- (b) board a bus through any doors marked as "EXIT ONLY" doors; or
- (c) open a locked door of a passenger vehicle.

Maximum penalty: \$750.

Expiation fee: \$105.

## **23—Prohibition of animals in vehicles**

- (1) Subject to subregulation (2), a person must not, without the permission of an authorised person, bring an animal on board a passenger vehicle.

Maximum penalty: \$750.

Expiation fee: \$105.

- (2) This regulation does not apply in relation to a guide dog or hearing dog accompanying a person with a sight or hearing impairment.

## **24—Prohibition of certain items**

- (1) A person must not bring a bicycle or surfboard on board a passenger vehicle unless—
- (a) space permits; and
  - (b) the appropriate fee (if any) is paid.

Maximum penalty: \$750.

Expiation fee: \$105.

- (2) A person must not, without the permission of an authorised person—
- (a) carry a dangerous or offensive object or substance on a passenger vehicle; or
  - (b) cause a dangerous or offensive object or substance to be carried on a passenger vehicle.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (3) If an authorised person has reasonable cause to suspect that a parcel or bag that is being, or is to be, transported on a passenger vehicle may contain a dangerous or offensive object or substance, the authorised person may—
- (a) require the person in possession of the parcel or bag to open the parcel or bag for examination of its contents; or
  - (b) open the parcel or bag and examine its contents.

- (4) A person to whom a requirement is addressed under subregulation (3) must comply with the requirement.

Maximum penalty: \$1 250.

Expiation fee: \$160.

## **25—Reserved seat or space**

A person who does not have a disability that makes it preferable or necessary to be seated must not, while in a passenger vehicle or at prescribed premises, take or continue to occupy a seat or space that is reserved for persons who do have a disability that makes it preferable or necessary to be seated, if to do so would prevent a person who has a disability from occupying the seat or space.

Maximum penalty: \$750.

Expiation fee: \$105.

## **26—Abandoned goods**

A person who takes possession of goods left in a passenger vehicle or at the premises of an operator must immediately deliver the goods to the operator.

Maximum penalty: \$750.

## **27—Removal of goods**

A person must not, without lawful authority, remove from a passenger vehicle or prescribed premises goods entrusted to an operator for carriage.

Maximum penalty: \$750.

## 28—Motor vehicles etc

- (1) A person must not drive, ride, park or leave standing a motor vehicle on prescribed premises except in an area that is set aside for that purpose.

Maximum penalty: \$750.

Expiation fee: \$105.

- (2) A person who drives or rides a motor vehicle on prescribed premises must—
- (a) comply with a reasonable direction of an authorised person; and
  - (b) obey any speed restriction, traffic control sign or parking control sign displayed on the premises.

Maximum penalty: \$750.

Expiation fee: \$105.

## 29—Pedal cycles, skateboards etc

- (1) A person must not, without the permission of the operator—
- (a) ride a bicycle, scooter, skateboard, roller-skates, roller-blades or similar device; or
  - (b) ride, lead or tether an animal,

on prescribed premises.

Maximum penalty: \$750.

Expiation fee: \$105.

- (2) Subregulation (1) does not apply to a device used to assist a person with a physical impairment.

## 30—Pedestrians

A pedestrian must not, without the permission of an authorised person, enter or remain on any part of prescribed premises that is not set aside for use by pedestrians.

Maximum penalty: \$1 250.

Expiation fee: \$160.

## 31—Duty of pedestrians at pedestrian crossings

- (1) In this regulation—

***pedestrian crossing*** means a place designated by the Minister or TransAdelaide as a place where pedestrians may pass over a busway, railway or tramway;

***traffic lights*** means signals for controlling traffic by means of illuminated signs.

- (2) A pedestrian must not enter or remain on a pedestrian crossing—
- (a) if a vehicle with which he or she may collide is approaching along the busway, railway or tramway, or is on the crossing; or
  - (b) if warned not to do so by an authorised person; or

- (c) while a warning device at or near the crossing is activated or while the crossing is closed against traffic by gates or barriers, unless he or she is directed by an authorised person to proceed across the crossing.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (3) A pedestrian must not remain within the limits of a pedestrian crossing any longer than is reasonably necessary for the purpose of passing over the crossing.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (4) If a pedestrian crossing is controlled by traffic lights, a pedestrian must comply with any instructions applicable to the pedestrian that are indicated by the traffic lights or any sign exhibited with the traffic lights.

Maximum penalty: \$1 250.

Expiation fee: \$160.

### **32—Obeying directions, signs etc**

- (1) A person who is in a passenger vehicle or at prescribed premises must—
  - (a) comply with a reasonable direction of an authorised person; and
  - (b) obey any sign displayed in the vehicle or in or on the premises.

Maximum penalty: \$750.

Expiation fee: \$105.

- (2) In proceedings for an offence against subregulation (1), it is a defence to prove that the defendant was unaware of the direction or sign, or unable to comply with the direction or sign, because of a disability.

### **33—Rubbish and other abandoned property**

- (1) A person must not, without the permission of the operator—
  - (a) deposit garden refuse on prescribed premises; or
  - (b) deposit rubbish in any of the operator's vehicles or on prescribed premises except in receptacles provided for that purpose; or
  - (c) set fire to garden refuse or rubbish on prescribed premises.

Maximum penalty: \$750.

Expiation fee: \$105.

- (2) A person must not abandon any other property (not being a motor vehicle) on a passenger vehicle or on prescribed premises.

Maximum penalty: \$250.

Expiation fee: \$80.

- (3) Subject to subregulation (6), if property (other than rubbish or a motor vehicle) is found on a passenger vehicle or at prescribed premises, the operator must hold the property for at least two months.

- (4) Any property held under subregulation (3) will be handed over to a person—
  - (a) who supplies proof of ownership that is satisfactory to an authorised person; and
  - (b) who pays such fees as may be determined by the Minister from time to time.
- (5) Any property that is not claimed within two months may be sold by the operator and the proceeds applied as follows:
  - (a) firstly, in payment of the costs of, and incidental to, the sale; and
  - (b) secondly, in payment of the costs of, and incidental to, the custody of the property; and
  - (c) thirdly, in payment of the balance to the Crown or, if the Minister so determines, to the operator.
- (6) Any perishable goods left or abandoned on a passenger vehicle or at prescribed premises may be disposed of by the operator as the operator thinks fit.

### **34—Abandoned vehicles**

- (1) A person must not leave a motor vehicle unattended on prescribed premises except in an area set aside for the parking of motor vehicles.  
Maximum penalty: \$750.  
Expiation fee: \$105.
- (2) A person must not abandon a motor vehicle on prescribed premises.  
Maximum penalty: \$1 250.  
Expiation fee: \$160.
- (3) An employee of the operator may remove a motor vehicle left or abandoned in contravention of this regulation and for that purpose, may enter the vehicle (using such force as is reasonable in the circumstances) and drive it, or arrange for it to be towed, driven or taken, to a convenient place.
- (4) As soon as practicable after removal of a motor vehicle, the operator must give the owner of the vehicle notice of the removal and of the place to which the vehicle was removed.
- (5) The notice may be given—
  - (a) by post; or
  - (b) if the identity or whereabouts of the owner is unknown—by publication in a newspaper circulating generally in the State.
- (6) If the owner of the motor vehicle does not, within one month after such a notice is given, pay all expenses in connection with the removal or custody of the vehicle and of proceedings under this regulation, the operator may sell it by public auction and apply the proceeds as follows:
  - (a) firstly, in payment of the costs of, and incidental to, the sale; and
  - (b) secondly, in payment of the costs of, and incidental to, the removal and custody of the vehicle and of proceedings under this regulation; and
  - (c) thirdly, in payment of the balance to the owner.

- (7) If, after reasonable inquiry, the owner cannot be found, the balance must be paid to the Treasurer as unclaimed money.

### **35—Graffiti**

A person must not, without the permission of the Minister or the operator, write, draw, paint or affix a word, representation, character or poster on or to a passenger vehicle, part of a passenger vehicle, part of prescribed premises, or anything situated at prescribed premises.

Maximum penalty: \$2 500.

Expiation fee: \$210.

### **36—Commercial activities**

A person must not, without the permission of the Minister or the operator—

- (a) sell or hire, or offer for sale or hire, an article or thing in a passenger vehicle or on prescribed premises;
- (b) distribute handbills to, or solicit money from, another person in a passenger vehicle or on prescribed premises.

Maximum penalty: \$750.

Expiation fee: \$105.

### **37—Behaviour of children in company of adults**

If a child is accompanied by an adult in a passenger vehicle or at prescribed premises, that adult must take reasonable steps to prevent the child from acting contrary to these regulations.

Maximum penalty: \$1 250.

Expiation fee: \$160.

### **38—Exclusion or removal of persons by authorised persons**

- (1) An authorised person may direct a person not to board or enter a passenger vehicle or prescribed premises, or to leave a passenger vehicle or prescribed premises—
- (a) if the authorised person has reason to believe—
    - (i) that the person may, if permitted to board or remain on the vehicle or to enter or remain on the premises, commit an offence against the Act or these regulations (including by refusing or failing to pay the appropriate fare or charge); or
    - (ii) that the person has, while on the vehicle or premises, committed an offence against the Act or these regulations; or
  - (b) if the person appears to be intoxicated or under the influence of a drug; or
  - (c) if the person acts in a threatening or abusive manner; or
  - (d) if the person is not properly dressed, or the condition of the person or the person's clothing or the nature or condition of anything carried by the person is such as would cause justified offence to another person or is likely to soil a part of the vehicle or premises; or

- (e) in the case of a passenger vehicle, if the vehicle is displaying a "FULL" sign or is fully loaded with passengers or, when the person entered the vehicle, it displayed a "FULL" sign or was fully loaded with passengers; or
  - (f) if the authorised person has reason to believe that the person is not entitled to be on the vehicle or premises due to the terms of an exclusion order that applies to the person under regulation 41.
- (2) An authorised person may direct a person to leave a passenger vehicle if the person refuses or fails to pay the appropriate fare or charge.
  - (3) A person who fails to comply immediately with a direction under this regulation is guilty of an offence.  
Maximum penalty: \$1 250.  
Expiation fee: \$160.
  - (4) If a person fails to comply with a direction under this regulation, a member of the police force or a person who is authorised by the Minister to exercise powers under section 56(8) of the Act may exercise reasonable force to remove the person from the relevant vehicle or premises.
  - (5) A person removed from a vehicle or premises pursuant to this regulation is not entitled to a refund of a fare or charge.

## Part 3—Miscellaneous

### 39—Expiation scheme

- (2) An expiation notice under these regulations may be issued by—
  - (a) a member of the police force; or
  - (b) a person who is authorised in writing by the Minister to issue expiation notices for the alleged offence; or
  - (c) a person who satisfies criteria determined by the Minister for the purposes of this regulation.

### 40—Conditions of travel

- (1) The Minister may determine (or vary) conditions of travel that will apply to persons on passenger vehicles or at prescribed premises in addition to the provisions of these regulations.
- (2) The Minister must ensure that conditions of travel (or a variation to conditions of travel) under subregulation (1) are published in the Gazette.
- (3) An operator may, with the approval of the Minister, determine (or vary) conditions of travel that will apply to persons on passenger vehicles or at prescribed premises provided or controlled by the operator.
- (4) The operator must ensure that conditions of travel (or a variation to conditions of travel) under subregulation (3) are published in the Gazette.
- (5) Conditions of travel may include rules, procedures, prohibitions, restrictions or limitations that are to apply to persons on passenger vehicles or at prescribed premises.

- (6) A condition published in the Gazette is to be taken to have been properly and effectively brought to the notice of a person who buys a ticket, travels on a passenger vehicle or attends at prescribed premises.
- (7) The conditions of travel known as the "State Transport Authority Conditions of Travel 1993" (as varied), adopted by the State Transport Authority under the *State Transport Authority Act 1974* and in force immediately before the commencement of the *Passenger Transport Act 1994*, will, except to the extent of any inconsistency with these or any other regulations, continue to apply as conditions of travel for passengers on services provided by TransAdelaide (until superseded by new conditions of travel).

#### 41—Exclusion orders

- (1) The Minister may, after complying with the procedures set out in this regulation, make an order (an *exclusion order*) against a person (*the respondent*) if the Minister is satisfied—
  - (a) that the person has breached the Act or these regulations on at least three occasions; and
  - (b) that it is reasonable to believe that the respondent may, unless action is taken, again breach the Act or these regulations; and
  - (c) that the making of the order is in the public interest in order to promote the safety or comfort of members of the general public who use public transport, or in order to take steps to protect facilities used in connection with public transport from unlawful damage or interference.
- (2) The Minister must hold an inquiry for the purpose of determining whether the Minister should make an order under this regulation with respect to a particular person.
- (3) The Minister must, in connection with the operation of subregulation (2), give the person against whom an order is under consideration written notice of the time and place at which the Minister intends to hold the inquiry.
- (4) The period of written notice under subregulation (3) must be not less than 14 days.
- (5) However—
  - (a) if the Minister cannot ascertain the whereabouts of a person for the purposes of subregulation (3) after making reasonable inquiries, the Minister may give the written notice by publishing the notice in a newspaper circulating generally throughout the State; and
  - (b) the Minister is not required to give written notice under subregulation (3) in the case of an adjournment.
- (6) An exclusion order may ban the respondent from—
  - (a) boarding or travelling on—
    - (i) specified classes of public transport; or
    - (ii) all public transport other than as specified by the order; or
    - (iii) all public transport;
  - (b) entering or remaining on—



- (i) specified prescribed premises; or
  - (ii) specified classes of prescribed premises; or
  - (iii) all prescribed premises other than as specified by the order; or
  - (iv) all prescribed premises.
- (7) An exclusion order must be served on the respondent personally and is not binding on the respondent until it has been so served.
- (8) Subject to subregulation (11), an exclusion order will operate for a period, not exceeding six months, determined by the Minister (which may be expressed to commence at the time of service).
- (9) The Minister may, at any time—
- (a) vary an exclusion order; or
  - (b) revoke an exclusion order.
- (10) However, the Minister must, before varying an exclusion order, comply with the requirements for making an order unless the variation is favourable to the respondent.
- (11) The Minister may, for reasonable cause—
- (a) extend the period of operation of an exclusion order, including beyond the expiration of the period of six months referred to in subregulation (8);
  - (b) renew an exclusion order, including after the expiration of the period of six months referred to in subregulation (8).
- (12) If—
- (a) an exclusion order is varied; or
  - (b) the period of operation of an exclusion order is extended; or
  - (c) an exclusion order is renewed,
- a copy of the order as varied, extended or renewed must be served on the respondent personally and until so served—
- (d) the variation, extension or renewal is not binding on the respondent; but
  - (e) the order as in force prior to the variation, extension or renewal continues to be binding on the respondent (unless the order expires).
- (13) A person who contravenes an exclusion order is guilty of an offence.  
Maximum penalty: \$2 500.  
Expiation fee: \$210.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1994	103	<i>Gazette 30.6.1994 p1930</i>	1.7.1994: r 2
1995	168	<i>Gazette 17.8.1995 p470</i>	17.8.1995: r 2
1996	31	<i>Gazette 29.2.1996 p1368</i>	29.2.1996: r 2
2000	122	<i>Gazette 1.6.2000 p3002</i>	2.7.2000: r 2
<b>2003</b>	<b>266</b>	<b><i>Gazette 18.12.2003 p4633</i></b>	<b>1.1.2004: r 2</b>

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.1.2004</i>
r 3		
<b>authorised person</b>	<b>varied by 266/2003 r 4(1)</b>	<b>1.1.2004</b>
disability	inserted by 31/1996 r 3	29.2.1996
<b>prescribed premises</b>	<b>varied by 266/2003 r 4(2)</b>	<b>1.1.2004</b>
<b>student identification card</b>	<b>varied by 266/2003 r 4(3)</b>	<b>1.1.2004</b>
<b>ticket</b>	<b>varied by 266/2003 r 4(4)</b>	<b>1.1.2004</b>
<b>travel concession card</b>	<b>varied by 266/2003 r 4(5)</b>	<b>1.1.2004</b>
r 4		
r 4(1)	varied by 122/2000 r 3(a)	2.7.2000
r 4(3)	varied by 122/2000 r 3(b)	2.7.2000
r 4(3a)	inserted by 31/1996 r 4	29.2.1996
r 4(4)	varied by 122/2000 r 3(c)	2.7.2000
<b>r 4(6)</b>	<b>varied by 266/2003 r 5</b>	<b>1.1.2004</b>
r 5		
r 5(1)	varied by 122/2000 r 4(a)	2.7.2000
r 5(2)	varied by 31/1996 r 5	29.2.1996

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r 5(3)	varied by 122/2000 r 4(b)	2.7.2000
<b>r 5(4)</b>	<b>varied by 266/2003 r 6</b>	<b>1.1.2004</b>
r 6		
r 6(1)	varied by 31/1996 r 6(a) varied by 122/2000 r 5(a)	29.2.1996 2.7.2000
r 6(2)	varied by 168/1995 r 3 varied by 122/2000 r 5(b)	17.8.1995 2.7.2000
r 6(3)	inserted by 31/1996 r 6(b)	29.2.1996
r 7		
r 7(1)	varied by 122/2000 r 6(a)	2.7.2000
r 7(2)	varied by 122/2000 r 6(b)	2.7.2000
r 8		
r 8(1)		
declared area	varied by 122/2000 r 7(a) <b>varied by 266/2003 r 7(1)</b>	2.7.2000 <b>1.1.2004</b>
r 8(1a)	inserted by 122/2000 r 7(b)	2.7.2000
r 8(2)	substituted by 122/2000 r 7(c)	2.7.2000
r 8(2a)—(2c)	inserted by 122/2000 r 7(c)	2.7.2000
r 8(3)	varied by 122/2000 r 7(d) <b>varied by 266/2003 r 7(2)</b>	2.7.2000 <b>1.1.2004</b>
r 8(4)	substituted by 31/1996 r 7 varied by 122/2000 r 7(e)	29.2.1996 2.7.2000
r 8(5)	substituted by 122/2000 r 7(f)	2.7.2000
r 8(6)	inserted by 122/2000 r 7(f) <b>varied by 266/2003 r 7(3)</b>	2.7.2000 <b>1.1.2004</b>
r 9		
r 9(1)	varied by 31/1996 r 8	29.2.1996
r 9(3)	varied by 122/2000 r 8	2.7.2000
r 10	varied by 122/2000 r 9	2.7.2000
r 11	varied by 122/2000 r 10	2.7.2000
r 12	varied by 122/2000 r 11	2.7.2000
r 13	varied by 122/2000 r 12	2.7.2000
r 14	varied by 122/2000 r 13	2.7.2000
r 15	varied by 122/2000 r 14	2.7.2000
r 16		
r 16(1)	r 16 redesignated as r 16(1) by 31/1996 r 9 varied by 122/2000 r 15	29.2.1996 2.7.2000
r 16(2)	inserted by 31/1996 r 9	29.2.1996
r 17	varied by 122/2000 r 16	2.7.2000
r 18	varied by 122/2000 r 17	2.7.2000
r 19	varied by 122/2000 r 18	2.7.2000
r 20		
r 20(1)	varied by 122/2000 r 19(a)	2.7.2000

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r 20(2)	varied by 122/2000 r 19(b)	2.7.2000
r 21	varied by 122/2000 r 20	2.7.2000
r 22	varied by 31/1996 r 10	29.2.1996
	varied by 122/2000 r 21	2.7.2000
r 23		
r 23(1)	varied by 122/2000 r 22	2.7.2000
r 24		
r 24(1)	r 24 redesignated as r 24(1) by 168/1995 r 4	17.8.1995
	varied by 122/2000 r 23(a)	2.7.2000
r 24(2)	inserted by 168/1995 r 4	17.8.1995
	varied by 122/2000 r 23(b)	2.7.2000
r 24(3)	inserted by 168/1995 r 4	17.8.1995
r 24(4)	inserted by 168/1995 r 4	17.8.1995
	varied by 122/2000 r 23(c)	2.7.2000
r 25	substituted by 31/1996 r 11	29.2.1996
	varied by 122/2000 r 24	2.7.2000
r 26	varied by 122/2000 r 25	2.7.2000
r 27	varied by 122/2000 r 26	2.7.2000
r 28		
r 28(1)	varied by 122/2000 r 27(a)	2.7.2000
r 28(2)	varied by 122/2000 r 27(b)	2.7.2000
r 29		
r 29(1)	varied by 122/2000 r 28	2.7.2000
r 30	varied by 122/2000 r 29	2.7.2000
r 31		
<b>r 31(1)</b>		
<b>pedestrian crossing</b>	<b>varied by 266/2003 r 8</b>	<b>1.1.2004</b>
r 31(2)	varied by 122/2000 r 30(a)	2.7.2000
r 31(3)	varied by 122/2000 r 30(b)	2.7.2000
r 31(4)	varied by 122/2000 r 30(c)	2.7.2000
r 32		
r 32(1)	redesignated as r 32(1) by 31/1996 r 12	29.2.1996
	varied by 122/2000 r 31	2.7.2000
r 32(2)	inserted by 31/1996 r 12	29.2.1996
r 33		
r 33(1)	varied by 122/2000 r 32(a)	2.7.2000
r 33(2)	varied by 122/2000 r 32(b)	2.7.2000
<b>r 33(4)</b>	<b>varied by 266/2003 r 9(1)</b>	<b>1.1.2004</b>
<b>r 33(5)</b>	<b>varied by 266/2003 r 9(2)</b>	<b>1.1.2004</b>
r 34(1)	varied by 122/2000 r 33(a)	2.7.2000
r 34(2)	varied by 122/2000 r 33(b)	2.7.2000
r 35	varied by 122/2000 r 34	2.7.2000

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	<b>varied by 266/2003 r 10</b>	<b>1.1.2004</b>
r 36	varied by 122/2000 r 35	2.7.2000
	<b>varied by 266/2003 r 11</b>	<b>1.1.2004</b>
r 37	varied by 122/2000 r 36	2.7.2000
r 38	varied by 168/1995 r 5	17.8.1995
	substituted by 122/2000 r 37	2.7.2000
<b>r 38(4)</b>	<b>varied by 266/2003 r 12</b>	<b>1.1.2004</b>
r 39		
<i>r 39(1)</i>	<i>deleted by 122/2000 r 38</i>	<i>2.7.2000</i>
<b>r 39(2)</b>	<b>varied by 266/2003 r 13(1), (2)</b>	<b>1.1.2004</b>
<b>r 40</b>		
<b>r 40(1)</b>	<b>varied by 266/2003 r 14(1)</b>	<b>1.1.2004</b>
<b>r 40(2)</b>	<b>varied by 266/2003 r 14(2)</b>	<b>1.1.2004</b>
<b>r 40(3)</b>	<b>varied by 266/2003 r 14(3)</b>	<b>1.1.2004</b>
r 41	substituted by 122/2000 r 39	2.7.2000
<b>r 41(1)</b>	<b>varied by 266/2003 r 15(1), (2)</b>	<b>1.1.2004</b>
<b>r 41(2)</b>	<b>varied by 266/2003 r 15(3), (4)</b>	<b>1.1.2004</b>
<b>r 41(3)</b>	<b>varied by 266/2003 r 15(5), (6)</b>	<b>1.1.2004</b>
<b>r 41(5)</b>	<b>varied by 266/2003 r 15(7)</b>	<b>1.1.2004</b>
<b>r 41(8)</b>	<b>varied by 266/2003 r 15(8)</b>	<b>1.1.2004</b>
<b>r 41(9)</b>	<b>varied by 266/2003 r 15(9)</b>	<b>1.1.2004</b>
<b>r 41(10)</b>	<b>varied by 266/2003 r 15(10)</b>	<b>1.1.2004</b>
<b>r 41(11)</b>	<b>varied by 266/2003 r 15(11)</b>	<b>1.1.2004</b>